

***AMENDMENTS TO THE CLAIMS***

Please amend the claims as indicated hereafter by inserting the underlined matter and deleting the matter lined through.

- 1     1.     (Currently amended)   A method of monitoring the carbon dioxide of a patient's breath  
2     while the patient is under general anesthesia, comprising:  
3             intubating the patient's throat with an airway having an open ended air conduit extending  
4     therethrough and extending through a plenum of larger breadth than the open ended air conduit  
5     formed on the airway and ~~from the mouth of the patient~~ to the larynx of the patient,  
6             maintaining an air passage between the airway and the facing surfaces of the patient's throat  
7     to permit the patient to breathe about the airway,  
8             inducing the patient to exhale through the open ended conduit of the airway and the plenum,  
9             withdrawing breath from about the larynx of the patient through the air conduit of the  
10     airway and through the plenum and to a carbon dioxide monitor without interrupting the air  
11     passage, and  
12             monitoring the carbon dioxide content of the patent's breath withdrawn from about the  
13     larynx with the carbon dioxide monitor.

- 1     2.     (Original)     The method of claim 1, and further including the step of injecting a gas  
2     through the air conduit extending through the airway to the larynx ,  
3             and wherein the step of withdrawing breath from about the larynx of the patient comprises  
4     intermittently withdrawing breath,  
5             and wherein the step of injecting gas to the larynx comprises intermittently injecting gas,

and wherein the steps of withdrawing breath and injecting gas are performed alternately.

3. (Original) The method of claim 2, wherein the step of injecting gas through the air conduit comprises moving the gas through a first nipple that is co-extensive with the air conduit, and

the step of withdrawing breath from about the larynx comprises moving the breath through a second nipple that intersects the air conduit.

4. (Currently amended) The method of claim 1, wherein the step of withdrawing breath from the patient comprises attaching one end of a flexible open ended tube to the plenum airway ~~in communication with the air conduit~~ and extending the other end of the open ended tube to the a-carbon dioxide monitor.

5. (Cancelled)

6. (Currently amended) Apparatus for monitoring the carbon dioxide of a patient's breath when under anesthesia, comprising:

an oro-pharyngeal airway for insertion into a person's throat comprising:

an elongate body having a proximal end and a distal end,

said proximal end of said body sized and shaped for engagement by a person's mouth and having a radially extending member configured to block the movement of said proximal end into the patient's mouth,

said body being of a predetermined length so that when said proximal end is at the patient's mouth said distal end is positioned at the person's larynx,

said elongate body defining an open ended passage extending through the length of said body and being open at the proximal and distal ends of said body,

a nipple extending beyond said radially extending flange, said nipple having an opening that is co-extensive with said open ended passage,

a radially extending conduit having a passage therethrough in communication with said open ended passage of said elongate body and said opening of said nipple, for the passage therethrough of breath exhaled from the area of the patient's larynx,

a plenum for accumulating the exhaled breath of the patient positioned at said radially extending conduit for placement outside the patient's mouth,

said plenum being in communication with both said open ended passage of said elongate body and said passage of said radially extending conduit,

said plenum being of larger breadth than either of said passage of said radially extending conduit and said open ended passage of said elongated body,

protrusions extending from ~~said the elongate elongated~~ body shaped to engage the facing surfaces of the throat of the patient and form a breathing passageway extending along and externally of said elongate body conduit means, and

a carbon dioxide monitor in communication with the passage of said radially extending conduit for detecting the carbon dioxide received through the conduit of said body from the distal end of the body at the larynx of the patient.

7. (Original) The apparatus of claim 6, wherein said airway is constructed of a thermoplastic polymer and said airway is characterized by having been formed in a gas assisted injection mold.

1 8. (Original) The apparatus of claim 7, wherein a color is applied to said airway that is in  
2 contrasting color with respect to said body to denote a preselected identifying external size of  
3 said body.

1 9. (Original) The apparatus of claim 7, wherein a color is applied to said airway that  
2 corresponds to the external size of said body.

1 10-11. (Cancelled)

1 12. (Currently amended) Apparatus for monitoring carbon oxide of a patient's breath,  
2 comprising:

3 an oro-pharyngeal airway for insertion in the throat of a patient,

4 said airway having a proximal end for placement at the patient's mouth and a distal end  
5 for placement through the patient's throat adjacent the larynx of the patient,

6 said airway defining an open ended, approximately cylindrical passage therethrough,

7 ribs extending externally along the length of the airway for engagement with the facing  
8 surface of the throat of the patient for forming an external passage about the airway so that the  
9 patient can breath about the airway,

10 a nipple at said proximal end of said airway extending co-extensively from said passage  
11 for connection with a suction device or an insufflation device,

12 a protrusion at said proximal end of said conduit between said nipple and said conduit for  
13 engagement by the lips of the patient to prevent the proximal end of the airway from entering the  
14 mouth of the patient,

15 a T-connection formed between said protrusion and said nipple and an orifice extending  
16 through said T-connection to said passage of said airway for controlling the movement of breath  
17 exhaled from the patient through said passage,

18 said orifice at said T-connection being of at least twice greater in cross sectional area than  
19 said central passage of said airway and forming a plenum for accumulating the exhaled breath of  
20 the patient, and

21 a carbon dioxide monitor in communication with said T-connection for detecting the  
22 carbon dioxide in the patient's breath received from about the larynx without having passed  
23 through the mouth of the patient.

1 13. (Original) The apparatus of claim 11, wherein said airway is characterized by having  
2 been formed of polymer material by simultaneously feeding polymer material and nitrogen gas  
3 into the cavity of a mold so that the nitrogen gas pushes the polymer material against the cavity  
4 walls of the mold so that the polymer material forms the airway.

1 14 -15 (Cancelled)

1    16.    (Currently amended) Apparatus for monitoring carbon oxide of a patient's  
2    breath, comprising:  
3            an oro-pharyngeal airway for insertion in the throat of a patient,  
4            said airway having an elongated body with a proximal end for placement at the  
5            patient's  
6    mouth and a distal end for placement through the patient's throat adjacent the larynx of  
7    the patient,  
8            said elongated body of said airway defining an open ended passage therethrough,  
9            ribs extending externally along the length of said elongated body of the airway for  
10    engagement with the facing surface of the throat of the patient for forming an external  
11    passage about the airway so that the patient can breath about the airway,  
12            a nipple at said proximal end of said elongated body of said airway and defining a  
13    passage extending co-extensively from said open ended passage of said elongated body,  
14            a T-connection formed at said nipple with a passage of the T- connection  
15    intersecting the passage of said nipple and the open ended passage of said elongated body,  
16            said T-connection forming a plenum of a breadth at least twice as large as ~~greater~~  
17    ~~than~~ the breadth of said airway for receiving the exhaled breath of the patient, and  
18            a breath monitor in communication with said T-connection for receiving the  
19    patient's breath from said plenum and detecting the content of the patient's breath  
20    received from about the larynx without having the breath passed in contact with the  
21    mouth of the patient.